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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,292	06/16/2005	Thomas Schmid	7863-84346	2467

42798 7590 02/27/2007  
FITCH, EVEN, TABIN & FLANNERY  
P. O. BOX 18415  
WASHINGTON, DC 20036

EXAMINER
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SUTTON, ANDREW W

ART UNIT	PAPER NUMBER
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3765

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/539,292

**Applicant(s)**

SCHMID ET AL.

**Examiner**

Andrew W. Sutton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1,4-9,12-17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 2,10,11 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/16/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-7, 9, 12-13, 15-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bayaert (US 6,009,918). Bayaert illustrates a heddle for a loom including an elongated heddle body 10, with an end eyelet 18 for securing the heddle to the heddle support rail 6 with a spring means 35' facing away from the heddle body for engaging a bearing surface from and adjacent a heddle supporting rib of a heddle support rail.

As to claim 5, Bayaert illustrates spring means 35' being formed by one resilient portion extending away from the end eyelet 18.

As to claim 6, Bayaert illustrates spring means 35' being resiliently in the longitudinal direction of the heddle.

As to claim 7, Bayaert illustrates spring means 35' being a compression spring.

As to claim 9, Bayaert illustrates a heddle formed in a plane flat material with the end eyelet embodied as a plane.

As to claim 12, Bayaert illustrates a heddle embodied as a flat material with the end eyelet having an elongated portion which has a bended edge below the end eyelet where the width changes.

As to claim 13, Beyaert illustrates the heddle having a end eyelet, and a elongated portion having a center eyelet which is divided into a plurality of portions and these portions having a different cross-sectional areas.

As to claim 15, it is inherent that the cross sectional areas of Beyaert would also have profile sections that deviate from each other.

As to claim 16, Beyaert illustrates in Fig. 11 a heddle support rail 8 with a rib 6 and a bearing surface spaced to the left of the rib extending in the transverse direction to the longitudinal direction of the heddle body bearing the heddle.

As to claim 17, Beyart illustrates the bearing surface supposed in a stationary fashion relative to the job of the heddle support rail.

As to claim 19, Beyaert illustrates a heddle shaft with a support rail including the heddle disclosed in claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beyaert (US 6,009,918). The applicant states no criticality or unexpected results from the

portions having areas with a ratio of 1 to 2, therefore it would have been obvious to one of ordinary skill in the art to use the claimed ratio.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beyaert (US 6,009,918) in view of Koch (US 4,342,339). Beyaert teaches the device substantially above. The applicant states no criticality or unexpected results with the use of the spiral spring. Beyaert does not teach the use of a spiral spring. However, Koch uses a spiral spring 5 on the end eyelet of the heddle. It would have been obvious to one of ordinary skill in the art to combine the teachings of Koch and Beyaert as it would provide a more durable spring.

#### ***Allowable Subject Matter***

Claim 20 is allowable.

Claims 2, 10, 11, 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claim 2 teaches a spring on the end eyelet facing away from the body that is an integral to the heddle body not shown in the prior art. Claim 10 teaches the spring means being embodied as a plane, which is not shown in the prior art. Claim 11 teaches the spring means embodied by a curved spring tongue, which is now shown in the prior art. Claim 18 teaches the bearing surface being adjustable relative to the jib of the heddle support rail, which is not shown in the prior art. Claim 20 teaches a spring

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on the end eyelet facing away from the body that is an integral to the heddle body not shown in the prior art.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is (571) 272-6093. The examiner can normally be reached on Monday - Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AWS  
2/20/07



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